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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,820	02/27/2002	Chauncey W. Griswold	404980	8636

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EXAMINER	
JONES, SCOTT E	
ART UNIT	PAPER NUMBER
3713	4

DATE MAILED: 05/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/084,820	GRISWOLD, CHAUNCEY W.	
	Examiner	Art Unit	
	Scott E. Jones	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 February 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 May 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-28 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 recites the limitation "the wireless transfer" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-8 inherit the deficiency of Claim 1 by dependency.

4. Claim 5 recites the limitation "apparatus for biometric scanning" in line 1. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 9 recites the limitation "the wireless transfer" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claims 10-26 inherit the deficiency of Claim 9 by dependency.

6. Claim 27 recites the limitation " the wireless transfer " in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 28 inherits the deficiency of Claim 27 by dependency.

7. Claim 27 recites the limitation "the wearer" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 28 inherits the deficiency of Claim 27 by dependency.

8. The items noted hereinabove are several examples of deficiencies pertaining to the claims. Applicant should review the entire specification including the claims and submit corrections for any informalities in addition to those noted above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 1-9, 11-20, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (6,110,041) in view of Orus et al. (U.S. Patent Application Publication 2002/0047044 A1).

Walker et al. discloses a method and system for adapting gaming devices to a player's playing preferences. In particular, a gaming machine is networked to a central server which receives preference data from a player and configures the gaming machine to match the received preference data. The player inserts an electronic player tracking card (or other "biometric" data is used) to authenticate that a particular player is on a machine by transmitting data to a central

server. Once this data is authenticated the central server programs or configures the gaming machine to the player's preferences. Walker et al. additionally discloses:

Regarding Claims 1 and 9:

- displaying to the gaming machine a card carried by the player, said card comprising suitable electronics/indicia, causing the transfer of individualized data concerning the player from the card to the gaming machine or to a computer network associated with the gaming machine (Abstract, Figs. 1-11B, Column 2, lines 13-53, Column 3, lines 46-54, Column 4, lines 6-64, and Column 9, lines 35-37);
- evaluating the data against a stored database, and activating said gaming machine for said subsequent play upon favorable evaluation of said data (Abstract, Figs. 1-11B, Column 2, lines 13-53, Column 3, lines 46-54, Column 4, lines 6-64, and Column 9, lines 35-37) .

Regarding Claims 2 and 12:

- the player also physically actuates the gaming machine as a separate, added step to activate the machine (Column 6, lines 11-13).

Regarding Claims 3 and 13:

- the player moves the cared in closely spaced relation to a sensor on said gaming machine to display said card to the gaming machine (Fig. 3 (**364**), and Column 6, lines 39-61).

Regarding Claims 4 and 14:

- the player provides a separate, personal identification to the gaming machine in the form of letters or numbers as a necessary prerequisite to said machine activation (Column 6, lines 47-49).

Regarding Claims 5 and 15:

- apparatus for biometric scanning provides a biometric scan of said player as a necessary prerequisite to said machine activation (Column 6, lines 39-61).

Regarding Claims 6 and 16:

- after evaluation of said data, the gaming machine is activated in a specific mode selected from a plurality of possible modes of activation, the specific mode being a function of the individualized data (Abstract, Figs. 1-11B, Column 2, lines 13-53, Column 3, lines 46-54, Column 4, lines 6-64, and Column 9, lines 35-37).

Regarding Claims 7 and 17:

- the specific mode selected comprises a particular game or choice of games to be played (Figure 5).

Regarding Claims 8 and 18:

- the specific mode selected comprises a special offer of a benefit or activity for the player (Figure 5).

Regarding Claim 11:

- the indicia on said card are indicia comprising members for magnetic sensing by apparatus associated with the gaming machine (Column 6, lines 41-43).

Although Walker et al. discloses a player tracking card and tracking card reader, Walker et al. seems to lack explicitly disclosing:

Regarding Claims 1 and 9:

- a contactless player tracking card having electronics and an antenna causing a wireless transfer of player data to a gaming machine or computer network.

Regarding Claim 26:

- microprocessor providing a plurality of separate accounts to the user.

Orus et al. does not teach transmitting player preference data to a slot machine based on identification data read from a player tracking card. Instead, Orus et al. teaches of a system and method for securely transferring, via bi-directional wireless communication, bets and winnings to/from contactless gambling cards and slot machine/slot machine networks based on identification data read from a player tracking card. Orus additionally teaches:

Regarding Claims 1 and 9:

- a contactless player tracking card having electronics and an antenna causing a wireless transfer of player data to a gaming machine or computer network (Paragraphs 2, 14-16, 18, and 33).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to use Orus' contactless gambling card in Walker's system. One would be motivated to do so because this would provide a secure data exchange over a network, wherein a security module calculates an authentication certificate from secret data stored on the memory of the contactless gambling card and the monitoring means checks the authentication certificate calculated by the security module corresponding to the authentication certificate calculated by the contactless gambling card.

Regarding Claim 26, it would have been obvious to one having ordinary skill in the art, at the time of applicant's invention, to provide access to a plurality of separate accounts for a player with a single contactless gambling card. That is, individual accounts for slot machines, poker machines, and other gaming machines. Otherwise, players would have to use multiple contactless gambling cards in a casino to play a variety of games which would totally defeat the purpose of having a contactless gambling card in the first place.

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (6,110,041) in view of Orus et al. (U.S. Patent Application Publication 2002/0047044 A1) and further in view of Franchi (U.S. 5,770,533).

Walker et al. in view of Orus et al. discloses that as discussed above regarding claims 1-9, 11-20, and 26. However, Walker et al. in view of Orus et al. seems to lack explicitly stating:

Regarding Claim 10:

- the indicia on the card are optical indicia.

Franchi teaches of an open architecture casino operating system for monitoring game play and the flow of funds in a casino. Each player receives an embedded betting card having a microprocessor and memory for preserving identification, cash balance, and identification code of the player. Furthermore, Franchi teaches:

Regarding Claim 10:

- the indicia on the card are optical indicia (Column 2, lines 38-54).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to use optical indicia capability of Franchi in the combination of Walker et al. in view of Orus et al. One would be motivated to do so because optical indicia, like those

used for bar-code readers, were well known at the time of Applicant's invention and would enable a player having a contactless gambling card to play a game on a gaming platform that has not been updated to the latest contactless gambling card technology.

13. Claims 21-25, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (6,110,041) in view of Orus et al. (U.S. Patent Application Publication 2002/0047044 A1) and further in view of (Philips Semiconductors - Leading-edge smart card technology meets smartest watch technology - Press release) (Philips Semiconductors).

Walker et al. in view of Orus et al. discloses that as discussed above regarding claims 1-9, 11-20, and 26. However, Walker et al. in view of Orus et al. seems to lack explicitly stating:

Regarding Claim 21:

- the card is carried by the player in the form of an article of personal adornment or clothing.

Regarding Claim 22:

- the card is carried by the player in the form of a wristwatch.

Regarding Claim 27:

- an article of personal adornment or clothing which carries suitable electronics and an antenna to permit the wireless transfer of individualized data concerning the wearer from the electronics to a gaming machine or to a computer network that is associated with the gaming machine.

Regarding Claim 28:

- the article is in the form of a wristwatch.

Philips Semiconductors teaches of a contactless smart card controller IC incorporated into a watch. The watch can support multiple communications protocols and have endless applications for personal identification and storing personal data. Philips Semiconductors teaches:

Regarding Claim 21:

- the card is carried by the player in the form of an article of personal adornment or clothing (pp. 1-3).

Regarding Claim 22:

- the card is carried by the player in the form of a wristwatch (pp. 1-3).

Regarding Claim 27:

- an article of personal adornment or clothing which carries suitable electronics and an antenna to permit the wireless transfer of individualized data concerning the wearer from the electronics to a gaming machine or to a computer network that is associated with the gaming machine (pp. 1-3).

Regarding Claim 28:

- the article is in the form of a wristwatch (pp. 1-3).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Philips Semiconductor watch technology in Walker et al. in view of Orus et al. One would be motivated to do so because Philips Semiconductors watch technology provides a highly attractive and convenient carrier for the smart card technology enabling a player access to a gaming machine with both hands at all times.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kreft '495, Raven et al. '361, Sakakibara et al. '336, Rechberger et al. '775, Garber et al. '406, Look '389, Walker et al. '988, Tuttle et al. '294, and French '742 disclose devices having smart card or contactless smart card technology.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SEJ
sej
May 1, 2003

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